

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of :  
Monique BERWAER et al. : **Mail Stop: PCT**  
Serial No. 10/500,454 : Attorney Docket No. 2004\_0980A  
Filed June 30, 2004 : **Confirmation No. 2307**

PHARMACEUTICAL FORMULATIONS WITH  
MODIFIED RELEASE  
[Corresponding to PCT/EP03/00093  
Filed January 8, 2003]

---

**RESPONSE**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

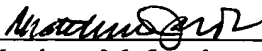
In reply to the Notification of Missing Requirements, attention is directed to the fact that an executed Declaration with the necessary PTO surcharge was filed on February 8, 2005. A copy of the February 8, 2005 response with stamp postcard receipt as proof of filing is enclosed.

Also enclosed is a copy of the Notification of Missing Requirements.

Favorable action is now requested.

Respectfully submitted,

Monique BERWAER et al.

By   
Matthew M. Jacob  
Registration No. 25,154  
Attorney for Applicants

MJ/dlk  
Washington, D.C. 20006-1021  
Telephone (202) 721-8200  
Facsimile (202) 721-8250  
February 25, 2005

**ATTY DOCKET #:** 2004\_0980A

**Due Date:**

**OUR REF:** 2004\_0980A/MJ/00292

**Applicant:** Monique BERWAER et al.

**Serial No.:** 10/500,454

**Filing Date:** June 30, 2004

**Title:** PHARMACEUTICAL FORMULATIONS WITH MODIFIED RELEASE

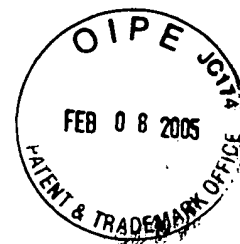
Receipt of the following papers is acknowledged:

1. Transmittal Letter to the United States Designated/Elected Office (DO/EO/US) Concerning a Filing Under 35 USC 371 (National stage application of PCT/EP03/00093)
2. Attachments: (G) Executed Declaration and Power of Attorney; (H) Executed Assignment and Recordation Cover Sheet Form PTO-1595
3. Check in the amount of \$170.00

THE COMMISSIONER IS AUTHORIZED  
TO CHARGE ANY DEFICIENCY IN THE  
FEES FOR THIS PAPER TO DEPOSIT  
ACCOUNT NO. 23-0975

**Date** February 8, 2005

**Attorney** MJ/kes



[Check No. 66507]

FORM PTO (190  
(REV 5-93))

US DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE

TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A FILING UNDER 35 U.S.C. §371

ATTORNEY DOCKET NUMBER  
2004\_0980A

U.S. APPLICATION NO.  
(if known, see 37 CFR 1.5)  
10/500,454

International Application No.  
PCT/EP03/00093

International Filing Date  
January 8, 2003

Priority Date Claimed  
January 9, 2002

**Title of Invention**

PHARMACEUTICAL FORMULATIONS WITH MODIFIED RELEASE

**Applicant(s) For DO/EO/US**

Monique BERWAER, Michel DELEERS, Domenico FANARA and Anthony GUICHAUX

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☐ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. §371.
2. ☒ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. §371.
3. ☐ This express request to begin national examination procedures (35 U.S.C. §371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. §371(b) and PCT Articles 22 and 39(1).
4. ☐ A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.
5. ☐ A copy of the International Application as filed (35 U.S.C. §371(c)(2))
  - a. ☐ is transmitted herewith (required only if not transmitted by the International Bureau).
  - b. ☐ has been transmitted by the International Bureau.
  - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US)
6. ☐ A translation of the International Application into English (35 U.S.C. §371(c)(2)).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. §371(c)(3)).
  - a. ☐ are transmitted herewith (required only if not transmitted by the International Bureau).
  - b. ☐ have been transmitted by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☐ have not been made and will not be made.
8. ☐ A translation of the amendments to the claims under PCT Article 19.
9. ☒ An executed oath or declaration of the inventor(s) (35 U.S.C. §371(c)(4)). **ATTACHMENT G**
10. ☐ A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. §371(c)(5)).

Items 11. to 14. below concern other document(s) or information included:

11. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☒ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.

**ATTACHMENT H**

13. ☐ A **FIRST** preliminary amendment.
 

☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
14. ☐ Other items or information:

U.S. APPLICATION NO. (If known, see 37 CFR 1.5)  
10/500,454

INTERNATIONAL APPLICATION NO.  
PCT/EP03/00093

ATTORNEY'S DOCKET NO.  
2004\_0980A

15. ☒ The following fees are submitted

Basic National Stage Fee ..... \$300.00  
National Stage Search Fee ..... \$500.00  
National Stage Examination Fee ..... \$200.00  
Specification/drawings in excess of 100 (units of 50) x \$250 = ..... \$

ENTER APPROPRIATE BASIC FEE AMOUNT =

Surcharge of \$130.00 for furnishing the oath or declaration later than ☐ 20 ☐ 30 months from the earliest claimed priority date (37 CFR 1.492(e)).

Claims	Number Filed	Number Extra	Rate
Total Claims	-20 =		X \$50.00
Independent Claims	-3 =		X \$200.00
Multiple dependent claim(s) (if applicable)			+ \$360.00

TOTAL OF ABOVE CALCULATIONS =

☐ Small Entity Status is hereby asserted. Above fees are reduced by 1/2.

SUBTOTAL =

Processing fee of \$130.00 for furnishing the English translation later than ☐ 20 ☒ 30 months from the earliest claimed priority date (37 CFR 1.492(f)).

TOTAL NATIONAL FEE =

Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40 per property +

TOTAL FEES ENCLOSED =

- a. ☒ A check in the amount of \$170.00 to cover the above fees is enclosed. A duplicate copy of this form is enclosed.
- b. ☐ Please charge my Deposit Account No. 23-0975 in the amount of \$ \_\_\_\_\_ to cover the above fees. A duplicate copy of this sheet is enclosed.
- c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 23-0975.

NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.

19. CORRESPONDENCE ADDRESS

CUSTOMER NO.  
000513

By: \_\_\_\_\_

Matthew W. Jacob,  
Registration No. 25,154

WENDEROTH, LIND & PONACK, L.L.P.  
2033 "K" Street, N.W., Suite 800  
Washington, D.C. 20006-1021  
Phone: (202) 721-8200  
Fax: (202) 721-8250

February 8, 2005

[CHECK NO. \_\_\_\_\_]

[2004\_0980A]



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/500,454	Monique Berwaer	2004_0980A

INTERNATIONAL APPLICATION NO.
-------------------------------

PCT/EP03/00093

IA. FILING DATE	PRIORITY DATE
-----------------	---------------

01/08/2003

01/09/2002

000513  
 WENDEROTH, LIND & PONACK, L.L.P.  
 2033 K STREET N. W.  
 SUITE 800  
 WASHINGTON, DC 20006-1021

CONFIRMATION NO. 2307

371 FORMALITIES LETTER



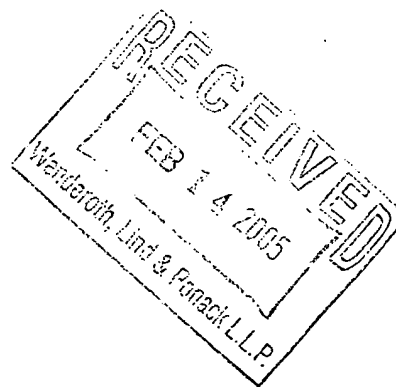
\*OC000000015140692\*

Date Mailed: 02/10/2005

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 06/30/2004
- English Translation of the IA filed on 06/30/2004
- Copy of the International Search Report filed on 06/30/2004
- Copy of IPE Report filed on 06/30/2004
- Preliminary Amendments filed on 06/30/2004
- Information Disclosure Statements filed on 06/30/2004
- Oath or Declaration filed on 06/30/2004
- Request for Immediate Examination filed on 06/30/2004
- U.S. Basic National Fees filed on 06/30/2004
- Priority Documents filed on 06/30/2004



The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
  - is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
- \$130 Surcharge for providing the oath or declaration later than 30 months from the priority date (37 CFR 1.492(e)) is required.

## SUMMARY OF FEES DUE:

Total additional fees required for this application is \$130 for a Large Entity:

- \$130 Late oath or declaration Surcharge.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

SHAKEEL AHMED

Telephone: (703) 308-9140 EXT 208

**PART 1 - ATTORNEY/APPLICANT COPY**

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/500,454	PCT/EP03/00093	2004_0980A